

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
COURT FILE NO.: 16-cv-00342--DTS**

Jeffrey M. Vonasek on behalf of himself and
all others similarly situated,

Plaintiff,

v.

Bank of the West and Repossessors, Inc.,

Defendants.

**PLAINTIFF'S UNOPPOSED
MOTION FOR PRELIMINARY
APPROVAL OF CLASS ACTION
SETTLEMENT, FOR
CERTIFICATION OF A CLASS
ACTION FOR SETTLEMENT
PURPOSES, AND TO APPOINT
CLASS COUNSEL**

Pursuant to Fed.R.Civ.P. 23(c)(1), Plaintiff moves for certification of a Settlement Class and pursuant to Fed.R.Civ.P. 23(e), for an Order preliminarily approving the settlement of this class action as fair and reasonable, approving the form and method for providing class-wide notice, and scheduling a hearing at which the following will be considered: request for final approval of the proposed settlement, any objections filed, incentive awards to the named Plaintiff, and entry of a Final Order.

This Motion has been presented to Defendants, who do not oppose it.

A Memorandum in support of this Motion with supporting documentation are filed contemporaneously herewith.

Plaintiff states as follows:

1. That for the purpose of this settlement, the parties agree to the certification of the following settlement class:

All 54 persons (1) who were party to vehicle Retail Installment Contracts (“RICs”) with BOTW that were subject to Minnesota law; and (2) whose vehicles subject to such RICs were involuntarily repossessed by or on behalf of BOTW in Minnesota between November 9, 2012 and May 17, 2017; and (3) who made one or more late or partial payments on their RICs that were accepted by BOTW, and thereafter were not provided notice prior to repossession that strict compliance with the contract terms would be required; and (4) who are not party to any previous settlement agreement with BOTW barring the claims alleged in the Action; and (5) who are not party to an arbitration agreement with BOTW requiring arbitration of the claims alleged in the Action; and (6) who did not file for bankruptcy protection after the repossession of their respective vehicles; and (7) who are not the Judges to whom the Action was assigned or any members of the Judges’ staff or immediate family members.

2. The class representative provides his declaration in support of certification of a settlement class and approval of the settlement agreement.

3. The settlement class should be certified and that the settlement agreement (Exhibit 1 attached to the Declaration of Thomas J. Lyons Jr.) is fair and reasonable and should be approved.

Dated this 25th day of August, 2017.

By: s/Thomas J. Lyons Jr.

Thomas J. Lyons, Jr., Esq.
Attorney I.D. #249646
CONSUMER JUSTICE CENTER, P.A.
367 Commerce Court
Vadnais Heights, MN 55127
Telephone: (651) 770-9707
Facsimile:(651) 704-0907
tommy@consumerjusticecenter.com

**ATTORNEY FOR PLAINTIFF
AND THE CLASS**